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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,833	02/13/2002	Jerry F. Fischer	LGT / 153DV2	8007

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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

10/074,833

Applicant(s)

FISCHER ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-46 is/are allowed.
- 6) ☒ Claim(s) 16, 18, 20, 21 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 17, 19 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Fastening Member for Luminaire Assembly Wiring Box.**

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

In addition, the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

2. The abstract of the disclosure is objected to because it fails to concisely describe that which the applicant believes are the novel features of the claim invention, and it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 18, 20, 21 and 26-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher (U.S. Pat. 4,363,086).

Fletcher discloses a luminaire assembly having:

- **a ballast housing**, Figure 1, reference number 10;
- **a wiring box**, Figure 1, reference number 5;
- **a fastening member**, Figure 1, reference number 21;
- **the fastening member operatively connected to the wiring box**, column 2, line 62;

- **the wiring box being engageable with an lower end of the ballast housing for pivotally supporting such ballast housing, Figure 2;**
- **the ballast housing including a flange member, Figure 1, reference number 20;**
- **the flange member being adapted for engaging the fastening member to support the ballast housing, column 2, lines 60-63;**
- **the ballast housing having at least one opening adjacent a lower end;**
- **the wiring box having at least one tab member formed adjacent a lower end, Figure 1, reference number 13; and**
- **the tab member being for being secure to the ballast housing, column 2, lines 55-59.**

Fletcher discloses all the limitations of the claims, but with a reverse location for the different element forming the fastening arrangement between the ballast housing and the wiring box. In addition, the wiring box of Fletcher is cylindrical and does not include a pair of side panels and a pair of end panels/

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to reverse the location of the fastening arrangement of Fletcher, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 86 USPQ 70. In this case, the invention of Fletcher appears to be equally functional with, for example, the fastening member being

disposed in the wiring box instead of in the ballast housing as claimed in the instant application.

Relevant Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rapp (U.S. Pat. 4,638,506), **Flood** (U.S. Pat. 4,403,278), **Tharp et al.** (U.S. Pat. 4,837,669) and **Ewing** (U.S. Pat. 5,121,309) disclose various fastening arrangements for securing wiring boxes to ballast housings.

Allowable Subject Matter

5. Claims 31-46 are allowed.

6. Claims 17, 19 and 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a supporting assembly for a luminaire, such assembly having interconnection fastening means for securing a wiring box to a ballast housing. The fastening means include a flange member for engaging a fastening member in the ballast housing, such flange member including a notch. The flange member can also be

used for fastening the wiring box to a second wiring box. A hook-type connector is provided on the top end of the wiring box, such connector including a bendable tab to at least partially close the hook portion.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the structural details of the fastening arrangement.

Haugaard et al. (U.S. Pats. 6,390,655 and 6,467,927) disclose overhead lighting features disclosing all the limitations of the claims, however, Haugaard et al. is disqualified as Prior Art as the instant application has a priority date prior to the filing dates of such patents.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Inr

March 21, 2003